



Acquisition Today!

ACA Northern Region Newsletter

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Editor's Ramblings...

Diane Broadway

Procurement Analyst, ACA NR HQ

Brian's Song...

It is with mixed emotions that I pen my final column as your Editor. I've gotten used to our quiet conversations over the last couple of years. Ok, so maybe they've not been so quiet. I've never been accused of being a shrinking violet, trust me! I have always been the one in the crowd who, when some injustice was pointed out, was the one who opened her big mouth, saying, "That's not right!" I cannot BEGIN to tell you how many times that simple, little phrase has gotten me in hot water – usually in over my head – over the years... The "good idea fairy" has always been alive and well in my little realm. I've always been willing to give new ideas a try and that, when most people raised their eyebrows, I was the one that said, "Why not?" Again, sometimes the idea worked, sometimes not. But at least we gave it a shot. And I've always tried to profit from mistakes made – and there have been many, believe me! A wonderful contracting officer that I worked with not that long ago always accused me of having rose-colored glasses, and she even admitted she missed that in her day after I moved to the PARC office. There really is a point to my rambling... ACA has come so far as an agency in our two years! When you stop to think about the massive amount of integration, merging, reorganization, and re-defining missions and scopes that had to take place for ACA to come to fruition, WOW! A ton of synergy. A couple tons of effort. And, maybe a few tons of each of our collective knowledge base as ACA burgeoned onto the acquisition scene as a benchmark for others to emulate. We've had our successes. We've had our failures. I've had a blast learning other new ways of doing business. We've been able to capitalize on innovative ideas and work toward sharing those innovations across the Northern Region. And it's the people of the ACA NR who have made it all happen. I stand in awe of the consummate talent and level of dedication and professionalism I see throughout the region! If it sounds like I'm leaving, well, I'm not (you can't get rid of me that easily!). Just moving on to different challenges within ACA NRHQ. I've been selected as the Paperless Acquisition Procurement Analyst for Business Systems Division. I am looking forward to blazing more trails through this high tech acquisition world of ours, leveraging our resources to better service our primary customer – the Warfighter - in the 21st century. So you'll still have Diane to kick around. I see it as an opportunity to meet and work with more of you. I've really enjoyed publishing your newsletter for the past seven issues. And we have so many wonderful folks throughout Northern Region, I know that you'll be very supportive of the new editor. It's been a blast! And if the "good idea fairy" ever thumps you with her wand, give me a buzz; I'll still be around... Thanks gang!

Don't forget about our Trivia Contest. The answer to the question contained within the contents of this issue of the newsletter. A 59 minute certificate will go to the winner (subject to supervisory concurrence and workload constraints). The rules are simple – All employees of the ACA NR – NRHQ staff

excluded – are eligible to win. A drawing will take place of all correct entries received to my email inbox (diane.broadway@us.army.mil) by October 25th, noon EST. Decision of the judge, Randy Loeb, is final, with respect to correct responses. The drawing will be held on or about 25 October, observed by ACA NR Deputy Director or his designee, and the winner (and his/her DOC) will be notified by email and/or phone. Now, here is the question – Who is the Acquisition Support Director currently? Good luck!

Director's Cut...

Joann Langston, SES
ACA Northern Region Director



To everyone in the ACA Northern region:

This is the first of my periodic letters to all the Northern region staff that will be included in the ACA Northern Region newsletter.

I am excited to be here at Fort Monroe and to direct the Northern Region. It is a serious challenge to follow such a talented leader as Col. Boshears, and I will count on everyone to help me meet the challenge. It is because he had such a talented staff that Northern Region has done, and is doing, so well.

We are well into the last month of the fiscal year, requiring a commitment of lots of overtime from everyone if we are to do well in closeout. And meanwhile, we're trying to be business advisors to assist our customers with their plans for FY'05. I know you'll rise to the challenge, as you always have.

To recall the vision of the Northern Region is to remember that the first priority is to customer service; provision of excellent service to all customers, both external and internal. Each month I read all the ICE comments that Northern region has received during the month. It's generally like a sugar high, for you get such laudatory comments from your customers. Negative comments are rare, and are usually answered immediately, when the commentor left an address, either phone or e-mail. I'm also impressed that Camilla Tramuel is sending reminders from headquarters, for both positive and negative comments.

Customer service also includes being the business advisor to our customers. Sometimes we may be less than self-assured in presuming to give business advice. Keep in mind that you as specialists in the world of contracting are in the very best position to assist your customers in their business planning, for you are the ones who know what the results of various courses of contract action are likely to be. You are in the best position to point out the pros and cons of decisions that they are going to make, and can articulate the probability of success of their desires.

And in terms of customer service, it is important to remember that we are not to say "NO" to any customer without first bringing the question up through the chain of command through me to Ms. Sieber at ACA HQ. Somehow there might be a way of accomplishing the desired activity through assistance of another, and the nature and scope of this assistance may not be evident until the matter is referred to HQ. Keep this in mind especially during the rush to 30 September, and in the planning for FY'05.

Finally, I have been reviewing and in some cases revising a number of the



Northern Region Policy Letters. You should all get notified when each is released, and they should appear on the NR Home Page and on ACA AKO under NR. Read each of them as they are published; it's important to be reminded of the way we are to do business, for customers include our co-workers as well as the folks with whom we come in contact each day.

I'm looking forward to meeting everyone during my visits to your installation. So far, I've been to West Point, CDCC, NRCC, DOC Eustis, FtMcCoy, Wichita RRC, and have had the opportunity to meet the staff at Town Hall Meetings. And we're planning for the next DOC conference to be hosted by David Wild, DOC at Ft Riley, in October.

Keep up the good work. I am honored to have such a talented staff.

Joann Langston, SES
Director, Northern Region, Army Contracting Agency

Welcome!



The face of NRHQ is changing with the addition of a few folks. A warm welcome to Brenda Driver, our Paralegal. Brenda has over 24 years of Government service and comes to us from Armed Service Board of Contract Appeals, in Falls Church, Virginia. Prior to her 2 ½ years there, she worked at the Norfolk Naval Base, administratively processing Navy personnel.

Also joining our staff in the near future will be Carolyn Campbell and Joseph Meyers, in our Innovations and Efficiencies Branch. Sue Gonser, as Branch Chief, and Debra Price will be joining our Policy and Programs Branch. More to follow on them in the next issue.

The Light Shines On...



Army SADBUs Specialist of the Year!

Diane Broadway, Procurement Analyst, ACA NRHQ

Ms. Betty E. Gottschall, Associate Director, Army Contracting Agency, Northern Region Contracting Center (NRCC), Fort Eustis, Virginia, was selected as U. S. Army SADBUs Specialist of the Year, Fiscal Year 2003. This award for Ms. Gottschall is particularly noteworthy in that she began working in the Small Business Program in 2000, hit the ground running, and has never looked back! Her enthusiasm, tenacity, and professionalism speak highly for her outstanding service and excellence in implementing the Small Business Program for the Army Contracting Agency Northern Region and the United States Army. Ms. Gottschall was recognized for her accomplishments in June, during DA's Small Business Training Conference in Orlando, Florida.

ACA Northern Region SBSs

Diane Broadway, Procurement Analyst, ACA NRHQ

Ms. Betty E. Gottschall, Associate Director, Army Contracting Agency (ACA), Northern Region Contracting Center (NRCC), Fort Eustis, Virginia, and Ms. Elaine A. Starkes, Small Business Specialist (SBS), Army Contracting Agency, Capital District Contracting Center (CDCC), Fort Belvoir, Virginia, were both selected and recognized as ACA Northern Region's Small Business Specialists of the Year for Fiscal Year 2003. Certificates of Achievement were presented by Mrs. Sandra O. Sieber, Director, ACA, and Mrs. Suellen Jeffress, Associate Director, Small Business, ACA, during DA's Small Business Training Conference in Orlando, Florida, 30 Jun 04.

Re-engineered For Success

*Patrick Hogston and Terry Hyatt-Amabile
NRCC, DOC Fort Eustis, VA*

During fiscal year 2004 (FY04) the Directorate of Contracting (DOC), Fort Eustis experienced a dramatic increase in workload due to the aftermath of Hurricane Isabelle's impact on Forts Eustis/Story/Monroe and taking on the new mission of supporting all Fort Lee construction requirements and all pre-award procurements in excess of \$500K. Facing an approximately thirty-five percent (35%) increase in workload while receiving no additional resources, we were forced to take a hard look at the way we were doing business to ensure their existing customers received the same (or better) level of support. With that in mind, we determined that we had to look at our organization structure, current contracts, and future requirements to determine a way to become more efficient and effective by eliminating redundancies and streamlining the acquisition process.

The Directorate of Public Works (DPWs) at the four installations historically represents approximately sixty-five percent (65%) of the dollars obligated by the DOC, Ft Eustis therefore, it made sense that the greatest opportunities for improvements existed in support of the DPWs. With this in mind, the DOC Fort Eustis created the Engineering and Construction Division to support all DPW requirements for the four installations. This new Division provided the unique capability to support the customers with a single focused team approach, thus providing better customer service, eliminating redundant efforts, and streamlining the acquisition process. This approach has led to a true partnership between the DPWs and the DOC. We have been able to cross-tell pertinent information, share success stories, lesson learned, templates and ideas amongst the DPWs providing better customer support. We have also been able to consolidate separate requirements on a single solicitation eliminating redundancies, and identify recurring requirements in order to propose them as possible candidates for regionalization, dramatically streamlining the acquisition process.

Another opportunity that has recently surfaced is the inclusion of the DOC as a standing member of the Tidewater Public Works Team (TPWT). The TPWT meets quarterly and is comprised of the Directors of Public Works (DPW) for Ft Eustis (includes Ft Story), Ft Monroe, Ft Lee, the Commander of the Norfolk Office of the Army Corp of Engineers, and the Deputy Base Civil Engineer at Langley Air Force Base. The DOC was initially invited to participate in the TPWT to specifically address the DPWs workload, the success of our current regional contracts, and to share our ideas for future regionalizing and consolidating contracting efforts. Based on the DOC's input and positive feedback received from standing members of the TPWT, the DOC have become

a permanent member of the TPWT.

The DPWs' generated workload is approximately fifty percent (50%) BASOP recurring services while the remainder of the workload is individual minor construction projects. BASOP services are handled by contracts with option years so these are pretty efficiently done; however, by concentrating on the individual procurements there are many opportunities available in this area where tremendous efficiencies can and are being made. The DOC/DPWs currently have several existing Indefinite Delivery regional contracts in-place that streamlines the acquisition process for a good portion of these individual minor construction projects. Regional contracts in-place include the Job Order Contract (JOC), Basic Ordering Agreements with five 8(a) and HUB Zone construction firms, Roofing Replacement/Repairs, and Carpeting. These contracts have been highly effective and are a big reason we have been successful in meeting extremely demanding workload this fiscal year with existing resources. These contracts have streamlined the acquisition process to the point that the DOC can award most projects within fourteen (14) days and they have also led to better prices. Due to the success of these contracts, the DPW/DOC has developed a process for identifying additional requirements for possible regionalization and implementing any recommended regional opportunities. Once the DOC identifies potential candidates, the TPWT is utilized as the primary forum to discuss the validity of the candidates and make a determination on which opportunities to pursue. For the requirements determined to be worth pursuing, the DOC will then coordinate follow-on acquisition strategy meetings. This entire structure/process enables the DPWs and the DOC to continually seek opportunities to regionalize and/or centralize requirements when it makes sense to do so. At the latest TPWT, several requirements were identified and selected for pursuing regional contracts. The proposed regional contracts include: Removing/Installing Fencing; Tree Trimming/Removal; Mold Remediation; Road and/or Roof Truss Assessments/Testing; Asbestos and Lead Paint Testing Services; Performing Environmental Assessments, and Overhead Photography.

Recognition

Lance Beuschel, NRCC, Fort Eustis, VA

Ms. Deborah Jordan, Mr. Harry McCord and Ms. Lucretia Fresquez of NRCC were presented coins and certificates by Armywide Training Support Center (ATSC) for exceptionally meritorious service while supporting TRADOC's Distributed Learning XXI contract during the period of 1 June through 30 June 2004. Ms. Jordan, Mr. McCord, and Ms. Fresquez were commended for their exceptional ability in the area of contract administration. Their diligence and devotion to duty resulted in award of delivery orders for eight distributed learning courses, valued at over \$7M. They accomplished this task, which usually takes 60-90 days, in just 30 days. Their exceptional performance reflects great credit upon themselves, NRCC and United States Army.

The following NRCC personnel were honored during this quarter –

Fort Lee:

Naomi Jenkins....25 years,
Tim Wills....20 years, and
Don Bordeaux...30 years.

NRCC Proper:

Debra Adams 20 years
Cheryl Halbrooks 30 years
Robert Winne 20 years

Leavenworth:

Bob Knopp 20 years

The following individuals have retired in FY04:

Gwen Hill retired on 3 Oct 03 with 37 years of service.
Paul Fisher retired on 3 Feb 04 with 33 years of service.
Nancy Outland retired on 2 July 2004 with 28 years of service.
Roger Staskiel retired on 26 July 2004 with 30 years of service.
Georgia Vestal retired on 06 Sept 2004 with 36 years of service.

News You Can Use... **Kit Lindfors, ACA NRHQ**

National Security Personnel System (NSPS).

On August 16, 2004, the Department of Defense presented the national unions with a paper that identifies various issue areas and some potential design options for the NSPS Labor Relations and Appeals Systems. The document was intended to generate discussion regarding these major design areas during our August 25-26, 2004 consultation meeting. The unions expressed a desire to receive more justification for the management identified options presented in the paper.

The Department has continually sought the unions' input with regard to the development of the NSPS regulation. We were very pleased that during the August 25-26, 2004 meeting, the parties were able to engage in a sustained, frank dialogue over the unions' issues and concerns regarding the various NSPS labor and appeals options that were previously forwarded to the unions. The comments received during this two-day meeting, as well as all other timely comments, will be given full and fair consideration by the working groups in the development of the final option package.

Guiding Principles

Potential design options described in this paper have been crafted based on seven "guiding principles" that act as guideposts as we explore options. All NSPS design features will be rooted in one or more of these guiding principles. The Department's senior leadership endorses these guiding principles. NSPS must:

- Put mission first – support national security goals and strategic objectives
- Respect the individual; protect rights guaranteed by law
- Value talent, performance, leadership and commitment to public service
- Be flexible, understandable, credible, responsive, executable
- Ensure accountability at all levels
- Balance human resources interoperability with unique mission requirements
- Be competitive and cost effective

For further information, visit <http://www.cpms.osd.mil/nsps/>.

(Editor's note – So that we may get to know the areas in which our installations are located, this newsletter will be spotlighting a different location in each issue. Fort Drum was volunteered to be the first! A tip of the hat to Bruce Ferguson & his staff! ☺ db)

Fort Drum, New York The Army's and the Soldier's FIRST CHOICE

Fort Drum is located in northern New York's picturesque North Country. It is approximately 30 miles from Canada, with the Great Lakes to the west, the Adirondack Mountains to the east, and the St. Lawrence River and Thousand Islands to the north. There are actually 1,753 small to very tiny islands dotting the St. Lawrence River between Oswego and Massena, hence the name Thousand Islands. This is the area where the St. Lawrence River and Lake Ontario join. The river also separates the United States from Canada.

Today, Fort Drum encompasses 107,265 acres and is home to the 10th Mountain Division (Light Infantry). The installation's overall mission includes command of active component units assigned to the installation, provide administrative and logistical support to tenant units and to active and reserve units from all services training at Fort Drum, and planning and support for the mobilization and training of more than 80,000 troops annually.

We enjoy four beautiful seasons here – Spring, Summer, Autumn, & Winter – that provide endless opportunities for recreational activities. There are many lakes and rivers located within minutes of Fort Drum to enjoy swimming, boating, fishing, whitewater rafting, boat tours in the Thousand Islands, and scuba diving. You will find many golf courses and camp sites within one of the most picturesque regions in the world. Skiing, snowmobiling, ice skating, and ice fishing are very popular in the winter months. The foliage in Autumn is indescribable for those who appreciate nature at its finest, and whitetail deer are plentiful for the big game hunters. For adventure hiking, camping, and riding all-terrain vehicles, the Adirondack Mountains are located just a few miles away. Summer temperatures range between 65 and 80 degrees; winter temperatures range between 30 degrees and 30 degrees below zero.



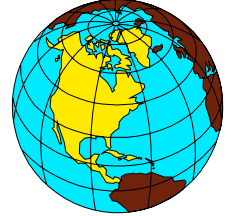
Warmest NRHQ Birthday Wishes

July – Brenda Driver, Tom Kobezak, Susan Jordan, Melinda Simmons-Healy, Jean Melson, Lorie Henderson
August – Carolyn Cordell, Diane Broadway, Joe McGrenra
September – Debbie Emerson, Tom Sumpter

Around the Region...

CMR Schedule FY 05

Debbie Emerson, NRHQ



ACA Northern Region CMR Schedule FY 05

McNair & NDU	15 – 19 Nov 04
Ft Hamilton	29 Nov – 3 Dec 04
Ft Myer	24 – 28 Jan 05
CDCC	7 – 11 Feb 05
West Point	21 – 25 Mar 05
Ft Dix	18 – 22 Apr 05
Ft McCoy	16 – 20 May 05
Ft Drum	20 – 24 Jun 05

If you have questions regarding this schedule, please contact Debbie Emerson.

Veteran Business Training & Outreach Conference

“Supporting Veterans Through Business”

25 October 2004

The Conference Center at Penn State Great Valley
Safeguard Scientics Building
30 East Swedesford Road
Malvern, PA 19355-1443

Keynote Speaker: David Cohen, Executive Vice President, Comcast Corporation

Luncheon Speaker: Garry Maddox, President World Wide Concessions, A. Pomerantz & Company; and the “Secretary of Defense” for the 1980 World Champion Philadelphia Phillies

For more information, visit <http://www.sepaptap.com/>.

Regional Business Opportunity Fair

November 17

Virginia Beach, VA

Trade Show Only. Contracting personnel from the Tidewater Area have been invited to attend. Booths are \$400 and Attendee Registration is Free.

For details and on-line registration, visit www.allianceforbiz.com .

Aviation Joint Administration and Management Support Services (AVJAMSS) Contract Awarded

ACA Southern Region's DOC at Fort Hood, Texas, has awarded the Aviation Joint Administration and Management Support Services (AVJAMSS) suite of contracts for Federal, State, and Local Governments' use to meet their Aviation Maintenance and Training needs. For more information regarding AVJAMSS and to view the contracts and the list of Awardees, please visit the "AVJAMSS Information" link on the left side and near the middle of the following web page: <http://ccmd.hood.army.mil/home.cfm>.

Fort McCoy Small Business Highlights **Rose Zwiefel, ACA ARCC Fort McCoy**

Two (2) small businesses provided capability briefings at Fort McCoy during **July 2004**.

Belonger Corporation, a small, woman owned, 8(a), Native American business provided a capability briefing on 13 July 2004 to various contracting, engineering, and contractor personnel. The company is a mechanical firm that also does general construction.

On 21 July 2004, Bloom Consultants LLC, a small disadvantaged, 8(a) firm from Milwaukee provided a capability briefing to Fort McCoy contracting, engineering, and contractor personnel. They provide engineering, consulting, and design services, as well as construction and construction management.

UPCOMING SMALL BUSINESS EVENTS

Two upcoming small business events of note are:

18 August 2004, Green Bay, Wisconsin. Hosted by Wisconsin State Representative, Steve Wieckert. Various small businesses were in attendance.

21/22 October 2004, Plaza Hotel Conference Center, Wausau, Wisconsin. Hosted by the U.S. Forest Service and Wisconsin Procurement Institute. The focus will be on construction, environmental, engineering, and related industries.

West Point Small Business Highlights **Eleanor Lincoln, ACA USMA**

The USMA Small Business Specialist, Eleanor Lincoln, in conjunction with our SBA Procurement Center Representative, participated in an outreach event with the Rockland County PTAC on 15 July 2004. The topic of the seminar was "How to Prepare a Federal Request for Proposal". The training was a complete review of solicitation requirements and how to best respond to "Instructions to Offerors" in federal solicitations. The seminar also included a block on the various programs and loans offered by the SBA. The event was held in the Newburgh Free Library and was attended by approximately 60 small businesses. Separate, spin-off, meetings have been scheduled for some of the businesses that expressed a desire to market specific supplies/services to the military academy at West Point.

Two West Point contractors were nominated for the SBA Prime Contractor of the Year Award. Watson Services, Inc., a Newburgh, NY firm, that currently provides mess attendant/waiter services at the Cadet Mess and Camp Natural Bridge, as well as custodial services at Michie Stadium for football games, was nominated by the Directorate of Contracting, USMA. Collette Contracting, Inc., a woman-owned, 8(a) firm from Rutherford, NJ, was nominated by the Army Corps of Engineers, NY District. Collette Contracting, Inc. currently is performing and has performed several constructions projects at the academy to include the Commissary roof, renovation of Bldg 609, renovation of Bldg 656, multi-media center at the Cadet Library and upgrade of HVAC for Spellman Hall. Both contractors were nominated for Region II which includes NY, NJ, Virgin Islands and Puerto Rico.

For The Customer...

Deborah Ramirez

ACA TRADOC Liaison

Shared Responsibility

The evolution of Service Contracting has only strengthened the need for the contracting community and the requirements community to work together toward building an integrated relationship in the acquisition and management of service contracts. Recent policy in the form of AFARS Subpart 5137.5 directs that "Oversight of services acquisition is the shared responsibility of requiring activities, contracting activities, and the Assistant Secretary of the Army (Acquisition, Logistics and Technology) ((ASA)(ALT))." However, sharing responsibility can present a challenge to all involved in this process.

Embracing this challenge, the U.S. Training and Doctrine Command (TRADOC) requested ACA's Liaison assist in efforts to train the workforce with respect to Contract Management and Oversight of Service Contracts. Enlisting help from the ACA Policy Directorate, ACA Marketing and Outreach Officer, and Northern Region (NR) Headquarters, efforts began in earnest in April 2004 to develop and coordinate a training plan focused on the duties and responsibilities of government personnel and augment other more formalized training already available through Army Logistics Management College and Defense Acquisition University.

In June 2004, a representative from the ACA NR Headquarters began conducting a 3 day Contracting Officers Representative (COR) Refresher Training Course. The course had a rough beginning as the expectations from the contracting activity and the customer were not necessarily congruent. Some participants felt the course oversimplified while there were others who reported it was too challenging. The feedback was good and changes were made to address the concerns expressed but also to ensure that the course provided a common level of understanding regarding contract management and the contracting process. The course now includes one day devoted to interactive discussions on ethics, working with contractors in the workplace, improving business practices and expectations from the contracting office. This approach was well received by class participants and emphasized the benefits of the requiring and contracting activities working in partnership. The next COR Refresher Training Course is scheduled to be conducted in October 2004.

Additionally, the ACA has taken the lead in conducting Executive Level Training

on contract management and the oversight of service contracts at TRADOC Headquarters to ensure government personnel understand the proper method of dealing with contractors in the work place. Plans are currently under way to expand this training to all TRADOC schools and installations.

Although there remains a continuing need to refine and improve the presentation and details of the various curriculums, the joint efforts of the ACA and TRADOC toward training demonstrate a commitment to overcome the challenges between policy and implementation and address oversight of service acquisitions in the spirit intended by AFARS 5137.5.

Legal Briefs...

Roger Neds

Chief, General Counsel, ACA NRHQ

FOOD FIGHT!!

The Brave New World of Dining Facility Contracting

Within the last year or so, there may not be any area of Army contracting that has undergone as many changes and legal challenges as the area of dining facility contracts and the interpretation of The Randolph-Sheppard Act (RSA). These changes have included new court rulings, a new provision in the FY 04 Authorization Act, a rewriting of the Army Regulation governing food service contracts, the legal death of the earlier Army policy guidance on RSA, the soon-to be released replacement guidance, and a DoD policy letter on the interplay between RSA and JWOD preferences. This last area of contracting has been the source of an outbreak of litigation as both the various State Licensing Agencies (SLA) and Javits-Wagner-O'Day (JWOD) offerors seek to protect their preferences and their programs. This article will address some of these new legal changes. In order to focus on specific issues, I have structured this article in a Question and Answer format.

Does It Matter if the Requirement is for Full Food Services, Dining Facility Attendants or Both? Based on a series of protest decisions arising out of Fort Lewis, the nature of the requirement can be critical in determining whether it falls under the requirements of the RSA. Any requirement involving food preparation falls under the RSA. However, if dining facility attendant services is the only item being procured and that work does not involve any food handling or preparation (such as peeling potatoes), then the RSA does not apply. Similarly, garbage or trash removal and clean-up do not constitute food handling. This gives the Garrison Commander and the servicing DOC some ability to make choices in this area. It is entirely proper to split the food service work from the dining attendant work. The procurement for the former would fall under the RSA, while the procurement for the latter would not. On the other hand, it is perfectly legal to solicit both areas of work together. In that situation, the RSA preference would apply to the whole procurement.

Who May Authorize Direct Negotiations with the SLA? Under the latest AR 210-25, the senior on-site official (the Garrison Commander) may authorize direct negotiations with the SLA. This is a change from past practice where the PARC had to approve such negotiations. The upcoming ACA guidance will state that the ACA prefers that such awards be competed, and that ACA headquarters must be timely notified when the contracting officer learns that the on-site official desires to enter into direct negotiations.

Which Preference Takes Precedence – RSA or JWOD? This issue has

come before two different Federal Courts of Appeal in the past few years. In both cases, the Court found that the RSA preference controlled. However, in those acquisitions where a JWOD offeror may be able to offer some or all of the services, a contracting officer should also refer to the 10 October 2003 Letter issued by the Director, Defense Procurement and Acquisition Policy entitled Applicability of the Javits-Wagner-O'Day (JWOD) Program and the Randolph-Sheppard (RS) Act. This letter mandates/speaks to establishing required subcontracts by the SLA to a qualified JWOD firm. that our prime contracts require the contractor to subcontract to a qualified JWOD firm.

What if a JWOD Firm is Already Performing Food Preparation Services?

Although the RSA preference is the controlling preference, Section 852 of the FY 04 Authorization Act specifically provides if a JWOD contractor is already performing those services, then all options may be exercised on such a contract and a new procurement does not need to be started until the entire term of the earlier contract has expired. However, when the follow-on acquisition does eventually occur, the RSA preference will control.

Can There be an Award Without Discussions? This is a question that raises a lot of confusion. On the one hand, the preference to the blind vendor is tied to whether the vendor is in the competitive range, which is the trigger for discussions. On the other hand, the FAR authorizes award without discussions, and this has become a very popular streamlining practice. Keeping in mind that the I believe the forthcoming ACA guidance will address this issue,.. With that in mind, I would suggest the following analysis:

- 1.) If there is no offer from the SLA, then an award without discussions to one of the private offerors can be made under the normal FAR procedures.
- 2.) If the decision is to award to the SLA without discussions, that is permissible since the SLA is still, in effect, receiving the preference.
- 3.) If the SLA has made an offer but would not be in the competitive range if a range was established, then an award without discussions may be made to one of the private offerors. However, before that award is made the procedures established in AR 210-25 and in the forthcoming ACA guidance for deciding that an SLA offer is not in the competitive range must be followed.
- 4.) If the SLA has made an offer and is or would be within the competitive range, an award on initial proposals to another offeror would be improper. This would, in effect, be a way of circumventing the SLA's preference. As such, it would violate Section 5b, AR 210-25 which states that on DoD facilities "The blind will be given a priority award of contracts to operate cafeterias." If there is a sound reason not to award to an SLA who qualifies for inclusion in the competitive range, the procedure set forth AR 210-25, Sec. 6 b(1)(c) must be followed before an award to a private offeror can be made. In reality, if the SLA is already in the competitive range, I cannot conceive of a situation where we would attempt to award to another entity without at least conducting a round of discussions.

Who Decides Protests of RSA Acquisitions? The Department of Education is charged by Congress with responsibility for implementing the statute. They have established a mechanism for resolving disputes between the SLA and an agency. The GAO recently ruled in the Fort Lewis protests that the SLA must use the Department of Education procedure before they can protest to the GAO. Additionally, in a recent case arising out of Fort Campbell, one judge at The Court of Federal Claims also ruled that the SLA must initially use this

alternate procedure as well. This ruling has been appealed by the SLA. For offerors other than the SLA, normal bid protest procedures apply.

While this article has summarized some of the more important changes in this area, it is still only an overview in an area that is constantly changing. Whenever you have a requirement to contract for these services in the near future, bring in your legal advisor early to get all of the expert legal support you will need.

END OF FY PLANNING

At around 10:30 PM on the evening of September 30, 2003, one of our DOCs had the misfortune of having its SPS “crash”¹. In the days that followed, the attorneys in the Northern Region and at ACA Headquarters were asked to review the contract actions affected by the crash and determine which actions could properly be classified as FY 03 awards, properly funded with FY 03 appropriations. We reviewed the actions looking for evidence that showed that the Contracting Officer had likely made an award decision before midnight on September 30. While most of the actions in question were judged to have been proper FY 03 awards, there was one major procurement that did not appear to be a proper FY 03 award. In addition to the SPS problems, it appeared that this requirement arrived at the DOC so late, it was unlikely that a timely award could have been made even if SPS had been working. This resulted in the Garrison losing a substantial amount of funds and a number of recriminations among both Garrison and DOC personnel.

In light of this experience, I recommend that all DOCs and Center Directors have a contingency plan in case they experience an SPS failure or slow-down at this fiscal year end. The key to such a plan is to have a means for the Contracting Officer to document his/her actions, especially award decisions. One possible solution is to award contracts the old fashioned way with pen and paper and do the data entry into SPS at a later date. Another solution is to make a notation in the contract file that indicates the award decision has been made noting the time and date, and that the fact of the award was communicated to the contractor. Any possible number of other solutions can work as long as there is evidence that the award decision occurred before the end of the fiscal year. Lastly, if any funding issues arise at year end, consult your legal advisor immediately. There may be a number of solutions available while the funds are still current that will disappear when the new FY begins.

Wishing everyone in the Northern Region a great FY end and a super FY 05.

Career Program & You

Linda Padgett

Procurement Analyst, ACA NRHQ

TRANSFORMATION AND DAWIA II

The two most significant catch words/phrases in career management destined to be around for the near- and long- term are Transformation and DAWIA II.

- Transformation is defined as “a process that shapes the changing nature

¹ I was told in emphatic terms by a systems administrator that the SPS did not literally “crash” since it never shut down. Instead, the hourglass icon remained on the screen for several hours and no further work could be done in the system.

of military competition and cooperation through new combinations of concepts, capabilities, people and organizations that exploit the Nation's advantages, and protect against our asymmetric vulnerabilities to sustain our strategic position, which helps underpin peace and stability in the world." (Transformation Planning Guidance, April 2003).

- LTG Joseph L. Yakovac, Military Deputy to the Assistant Secretary of the Army (Acquisition, Logistics and Technology) by memo dated February 2, 2004 set forth the MILDEP's intent. The memo can be found at the MILDEP AKO AAC Transformation Collaboration Center. General Yakovac states that the Army Acquisition Corps needs to align itself with the Army's transformation efforts as outlined in the Army Transformation Road Map 2003. You can find the road map by signing into AKO and going to the following website:
<http://www.army.mil/2003TransformationRoadmap/>
- DAWIA II sets forth the new concept and implementation goals for the transformation of the Army Acquisition Corps. The FY04 National Defense Appropriations Act (NDAA) contains a provision (sec. 841) that amends the Defense Acquisition Workforce Improvement Act (DAWIA) to give the Secretary of Defense greater flexibility to establish different experience, educational, and tenure requirements for acquisition positions; requires the establishment of a single Defense acquisition corps; and streamlines obsolete and outdated provisions of DAWIA.
 - A DAWIA II Streamlining Working Group, consisting of representatives from Army, Air Force, Navy, Defense Agencies, and the Functional Advisors, developed the framework for implementing the changes to streamline the Acquisition Career Management Program. The overall concept was approved by the USD(AT&L) and incorporated into the revised DoD 5000.52, *Directive and Manual, Defense Acquisition, Technology and Logistics Workforce Education, Training, and Career Development Program*. DAWIA II was recently briefed to managers and workforce members at Fort Belvoir, VA. DAWIA II briefing can be found at:
<http://asc.army.mil/info/dawia/default.cfm>

Acquisition Support Center's briefing presented by the Change Project Team Leader sets forth the strategic Goal and three strategic objectives for transforming the Army Acquisition Corps as:

- The Strategic Goal: **Align** and **horizontally integrate** AAC Transformation with the overall Army Transformation Campaign.
- Strategic Objective #1: Establish an Army acquisition **core capability** that, in concert with our strategic partners, develops, tests, fields, buys, inserts and supports materiel and service solutions across full spectrum military operations, from all out War to Defense of the Homeland.
- Strategic Objective #2: Develop flexible acquisition officers and civilian **leaders** that possess a **diverse and well-rounded background** in the supporting functions and phases of acquisition who are prepared to **lead** any complex, multi-functional acquisition command, agency, organization, or team.
- Strategic Objective #3: Develop a workforce that is **expert, relevant, and ready** to support the acquisition mission along the full spectrum of military operations from all out War to

Defending the Homeland.

Transformation of the Army Acquisition Corps is beyond the conceptual stage, but implementation plans for the objectives and goals are still being defined. This article is to give you a heads-up of the DAWIA II initiative and to advise that guidance will be distributed as it is received.

FAREWELL AND WELCOME

ACA NRHQ would like to add our farewell to COL Mary Fuller, former Director of the Acquisition Support Center. COL Fuller has reassigned to work as Chief of Staff at the Pentagon for Secretary Claude M. Bolton Jr., Army Acquisition Executive and Secretary of the Army for Acquisition, Logistics & Technology.

Welcome to COL Genaro J. Dellarocco who assumed authority as the new Acquisition Support Center Director on July 16, 2004.

DAU TIDBIT:

Thanks to Kay Brewer, NRCC, who passed along the following information from ALTESS:

There is a new track of Level I contracting courses which develops a foundational understanding of contracting basics, while also focusing on the business advisors role in shaping successful mission outcomes. CON 101, CON104A, and CON 104B are going away.

They are being replaced with:

- CON 110 (Mission Support Planning) (On-line)
- CON 111 (Mission Strategy Execution) (On-line)
- CON 112 (Mission Performance Assessment) (On-line)
- CON 120 (Mission Focused Contracting).

The schedule for these courses is:

Effective 01 September 2004, new enrollments in CON 101 was halted. However, if one is already enrolled in CON 101 he/she will be able to complete the course and also complete CON 104A and CON 104B. Individuals who have completed or who are scheduled to take CON101 will have until the end of FY05 to complete CON 104 A/B. If they have not completed CON 104 A/B by that time they will have to take CON 110, CON 111, CON 112, and CON 120.

- During the month of September 2004, CON 110 will be opened for limited enrollment and then opened to full capacity on 1 October 2004.
- CON 111 will open in November 2004
- CON 112 will open in December 2004.

The three on-line courses CON 110, CON 111 and CON 112 are approximately 30 seat hours per course. Each student will be provided 60 days to complete each course. The on-line courses will be followed by a two week resident course – CON 120. This course provides students the opportunity to apply the knowledge gained from the three on-line courses.

Students starting the Level I certification track will begin with CON 100 (DAU) followed by CON 110, CON 111, and CON 112, in sequential order. Individuals

seeking Level I certification who are already enrolled in CON 101 will be required to complete CON 104A and CON 104B.



Purchase Card Corner

Elaine Pearson

ACA NRHQ Level 3

During the week of 23 August, Agency/Organization Program Coordinators (A/OPCs) from the Northern Region contracting offices attending the annual GSA SmartPay Conference in New Orleans. A/OPCs attended numerous training sessions and received hands-on technical training by U.S. Bank. On 24 August, our Northern Region Break-Out session was held. Panelists included Dan Schwemmer, DoD Purchase Card Joint Program Office, Alice Williams-Gray, ACA HQ, David Wills, DFAS, and Katheryn King, Relationship Manager, DoD Government Purchase Card Program, U.S. Bank. For the first time, Continuing Education Units (CEU) were awarded for many courses. Overall, the conference provided an opportunity for A/OPCs to network with colleagues and bank personnel, to enhance technical skills, and learn new techniques that will facilitate new levels of management and oversight to effectively manage the Government Purchase Card Program. My personal thanks to all the Center Commanders/Directors and DOCs for their support in ensuring their A/OPC (s) were able to take advantage of this important annual training.